

FISCAL MEMORANDUM

SB 1500 – HB 1833

May 18, 2007

SUMMARY OF AMENDMENT (008903): Deletes the Class E felony offense of knowingly using certain drugs while pregnant that result in a child testing positive for drugs at birth from the amendatory language of the original bill. Deletes the Class D felony offense of knowingly using certain drugs while pregnant that result in the death of a child from the amendatory language of the original bill.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$1,450,300 / Incarceration*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$441,700 / Incarceration*

Assumptions applied to amendment:

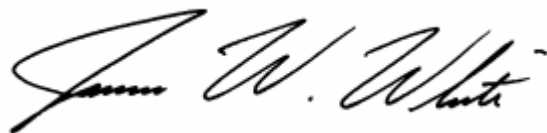
- In FY06, there were 52 admissions to the Department of Correction (DOC) for child abuse, neglect or endangerment offenses. DOC estimates a 33.33% increase (17) of the Class D child abuse offenses as a result of increasing the age of the victim from six to eight years of age.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth would result in two additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 19 offenders serving 0.6 years. According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15 days). The total additional operating cost for 19 offenders is \$250,497.14 (\$13,184.06 x 19).
- DOC estimates 50% (26) of 52 admissions in FY06 for child abuse, neglect or endangerment offenses were Class D and 50% (26) were Class E felonies. Estimate assumes 26 Class E felonies would be elevated to Class D felonies and would serve an additional 0.3 years (an increase from a Class E at 0.3 years to a Class D at 0.6 years) in the first year as a result of this bill. Population growth would result in three additional offenders in the tenth year. The maximum cost in the tenth year is based on 29 offenders. The

cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15 days). The additional cost from increasing the average sentence from 0.3 years to 0.6 years is \$6,591.73 (\$13,184.06 - \$6,592.33). The total additional operating cost for 29 offenders is \$191,160.17 (\$6,591.73 x 29).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly distinguishable.

James W. White, Executive Director

/LSC